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1636

January 30, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ Application of R. Vogels, A. Bout,  
H. van Es, and G. Schouten  
Application No. 10/036,949  
Filed December 21, 2001

Examiner: J. Ketter  
Art Unit: 1636  
Confirmation No. 6087

HIGH THROUGHPUT SCREENING OF  
GENE FUNCTION USING ADENOVIRAL  
LIBRARIES FOR FUNCTIONAL GENOMICS APPLICATIONS

Attorney Docket No. P25,290-A US1

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, along with any other papers indicated as being enclosed, is being deposited with the United States Postal Services, as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 30, 2004.

  
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Barbara G. Makariou

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT UNDER 37 §C.F.R. 1.115**

Sir:

A preliminary amendment was filed with application on December 21, 2001. This amendment cancelled claims 1 to 40 and added claims 41 to 115. A restriction requirement, dated October 1, 2003, restricted Claims 1 to 35, indicating that the

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amendment filed December 21, 2001 was not entered. This was verified during a phone conversation of November 3, 2003 between the undersigned and Examiner James Ketter. The Examiner suggested that to ensure that the amendment of December 21, 2001 was properly entered, it should be resubmitted as a new preliminary amendment along with evidence that the amendment of December 21, 2001 was received by the USPTO. Therefore, prior to commencing examination of the above-identified application, please amend the application as follows.

**Amendments to the Specification** begin on Page 3 of this paper.

**Amendments to the Claims** begin on Page 7 of this paper.

**Amendments to the Drawings** begin on Page 23 of this paper and include both an attached replacement sheet and an annotated sheet showing changes made.

**Remarks** begin on Page 25 of this paper.



Inventor / TM. Appl. Vogels et al.

Client Highways

The Patent / Trademark Office is in receipt of the following:

- Affidavit/Declaration, 37 CFR
- Amendment, 37 CFR Challenging
- Amendment to allege use
- Appeal notice/Appeal brief
- Appointment of domestic representative
- Assignment & cover sheet
- Cert. of correction request
- Cert. of Exp. Mailing Date 12-21-01  
No. EL87529162005
- Cert. of mailing, Dated \_\_\_\_\_
- Charge deposit account, in duplicate
- Check \$ 2084.00 for Issue fee
- Demand for PCT examination
- Extension of time petition \_\_\_\_\_ months
- Extension of time to file Statement of Use
- IDS (information disclosure statement)
- PTO Form 1449: # of pages enc. \_\_\_\_\_  
# of references enc. \_\_\_\_\_
- Issue fee transmittal & advance order
- Letter \_\_\_\_\_
- Maintenance fee transmittal
- Opposition notice (in duplicate)
- Patent Application (Copy of parent)  
135 # of pages \_\_\_\_\_ # of pages of claims  
6 # of sheets of drawings
- Declaration/Oath:  signed  unsigned
- Transmittal letter (in dup.)

*Copy of parent*

Appl. No. \_\_\_\_\_ Filing Date Renewal

Docket No. 25,290-A US1 Atty. PSK/LMW

Title of Invention / Mark High... Apps.

- PCT Application, transmittal, request & fee sheet
- Petition under 37 CFR
- Petition for cancellation
- Power of attorney
- Priority claim
- Renewal application
- Reply, 37 CFR
- Request for extension of time to file opposition notice (in triplicate)
- Section 8/Section 15 Affidavit/Declaration
- Specimens \_\_\_\_\_
- Statement of use
- Trademark/Service Mark Application
  - Declaration
  - Power of attorney
  - Drawing

- Verified statement/Small entity
- Withdrawal
- Other Rev of POA & Sub. POA;  
Req for Transfer... Seg.  
Listing 61 Sheets formal  
drawing

COPY